

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SHERRY R. SHELTON,)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-1258-HE
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Sherry R. Shelton instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her concurrent applications for disability insurance and supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Gary M. Purcell, who recommends that the Commissioner's decision be affirmed.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. §636(b)(1)(C) Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation and **affirms** the final decision of the Commissioner.

IT IS SO ORDERED.

Dated this 3rd day of November, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE